

THIRD DIVISION

[G.R. No. 128276, November 24, 1998]

**CFC CORPORATION, VIC FADRILAN AND ROBERTO DOMINGO,
PETITIONERS, VS. HONORABLE NATIONAL LABOR RELATIONS
COMMISSION, HON. EMERSON C. TUMANON, AND JOSEDARIO M.
CALURA, RESPONDENTS.**

R E S O L U T I O N

PURISIMA, J.:

At bar is a petition for certiorari under Rule 65 of the Revised Rules of Court filed on April 18, 1997.

On August 14, 1998, the petitioners and respondent Josedario Calura, with the assistance of counsel, sent in a "Motion for Approval of Compromise Agreement" together with the proposed compromise agreement attached thereto, for the consideration of the court. The full text of the said Compromise Agreement, reads:

"1. That petitioners were the party-respondents in NLRC-NCR Case No. 05-01891-84, filed by herein private respondent Josedario Calura for reinstatement to his former position as Section Manager, DPD Sales Department and for money claims arising from his alleged constructive dismissal, which case is now the subject matter of this petition.

2. That to the best and mutual interests of the herein parties, they have mutually agreed and conceded on the need to settle the instant case amicably under the following terms and conditions:

2.1. That herein private respondent expressly confirms his earlier reinstatement as a Bonded Merchandiser and has always been receiving and entitled to the corresponding employment benefits consistent with the applicable laws, rules and regulations, as well as, the policies of the company, attached to the said position.

2.2. That in the spirit of benevolence and as a full settlement of the issues and claims herein by the parties against one another, the parties hereby expressly agree as follows:

i. The petitioner company hereby appoints and names Josedario Calura to the position of Acting Senior Van Salesman, effective August 1, 1998, a position equivalent to his former position, and shall receive and be entitled to all the employment benefits attached to the position consistent with applicable laws, rules and regulations and policies of the company. His appointment is hereto attached as Annex "A" and shall form part of this Compromise Agreement.